

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEXTPLAY TECHNOLOGIES, INC.,

Plaintiff,

v.

GRANT KIM, et al.,

Defendants.

Case No. 2:21-cv-01480-TSZ

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS**

Plaintiff NextPlay Technologies, Inc., together with Defendants Grant Kim, Stephen Willey, and Axion Ventures, Inc. (“Axion”), through their respective counsel, respectfully stipulate and move this Court to stay proceedings in the above-captioned case pending resolution of the Application for an Anti-Suit Injunction (“Application”), which was filed in separate litigation in the Supreme Court of British Columbia, Canada. In support of this motion, the referenced parties state as follows:

1. Plaintiff, Kim, Willey, and Axion are all parties that have appeared in this action.
2. Plaintiff filed the Amended Complaint on June 13, 2022. ECF No. 15.
3. Defendants Kim and Willey have been served with the Amended Complaint and Defendant Axion waived service of the Amended Complaint. *See* ECF Nos. 19, 20, and 22.

1 4. Defendants Kim, Willey, and Axion presently have until November 4, 2022 to
2 respond to the Amended Complaint. *See* ECF No. 30.

3 5. On September 15, 2022, Defendant Willey moved for a stay of proceedings pending
4 resolution of an Application filed in another case in Canada. *See* ECF No. 26 (“Motion to Stay”).

5 6. On September 23, 2022, the parties filed a stipulated motion to enlarge certain
6 deadlines pending settlement discussions, including renoting the Motion to Stay for October 28,
7 2022. *See* ECF Nos. 30, 31.

8 7. On September 26, 2022, the Court granted the referenced parties’ stipulated motion
9 for extension. Any answer or response to the Amended Complaint presently is due on
10 November 4, 2022; the Joint Status Report is due by December 16, 2022; the Federal Rule of Civil
11 Procedure 26(f) Conference deadline is December 2, 2022; and the Initial Disclosure Deadline is
12 December 16, 2022.

13 8. The referenced parties have conferred and agree that in the interests of judicial
14 efficiency, these proceedings and all existing deadlines should be stayed until the Supreme Court
15 of British Columbia rules on the Application pending there—the subject of Willey’s Motion to
16 Stay. The Application seeks to enjoin this action as allegedly arising from disputes in Canada that
17 are already being litigated in Canada. If the Application is granted, NextPlay would be enjoined
18 from continuing with this case in favor of litigating in Canada.

19 9. Accordingly, the referenced parties have stipulated that all proceedings in this
20 action and all existing deadlines should be stayed pending resolution of the Application in British
21 Columbia. The referenced parties have further stipulated and jointly ask this Court to enter an
22 order (1) denying as moot the Motion to Stay (ECF No. 26) and (2) staying this case until entry of
23 a decision on the Application, with the following deadlines:

Event	Existing Deadline	New Deadline
Notice of Decision on Application filed with Court	N/A	3 days from decision on Application
Kim, Willey, and Axion Ventures Inc.'s response to the Amended Complaint	November 4, 2022	14 days from decision on Application, if Application is denied in whole or part
FRCP 26(f) Conference	December 2, 2022	45 days from decision on Application, if Application is denied in whole or part
Initial Disclosure Deadline	December 16, 2022	60 days from decision on Application, if Application is denied in whole or part
Joint Status Report	December 16, 2022	60 days from decision on Application, if Application is denied in whole or part

10. This Stipulated Motion is expressly without waiver of all rights, positions, arguments, claims, and defenses of all parties, including without limitation Defendants' arguments and defenses concerning lack of personal jurisdiction and all other arguments and defenses, all of which are fully preserved and entirely unaffected by this Stipulated Motion. Neither this Stipulated Motion nor any related facts shall constitute or support any argument concerning waiver.

RESPECTFULLY SUBMITTED this 24th day of October, 2022

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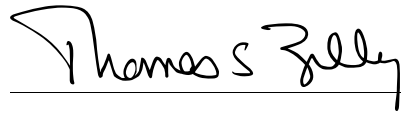
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2 *Attorneys for Plaintiff NextPlay Technology,*
3 *Inc.*

4 **ORDER**

5 IT IS SO ORDERED.

6 Dated this 25th day of October, 2022.

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10 Thomas S. Zilly
11 United States District Judge
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